

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
PENDLETON C. WAUGH, CHARLES M.	)	EB Docket No. 07-147
AUSTIN, and JAY R. BISHOP	)	
	)	
PREFERRED COMMUNICATIONS	)	File No. EB-06-IH-2112
SYSTEMS, INC.	)	NAL/Acct. No. 200732080025
	)	
Licensee of Various Site-by-Site Licenses in	)	FRN No. 0003769049
the Specialized Mobile Radio Service.	)	
	)	
PREFERRED ACQUISITIONS, INC.	)	FRN No. 0003786183
	)	
Licensee of Various Economic Area Licenses	)	
in the 800 MHz Specialized Mobile Radio	)	
Service	)	

To: The Commission

**WITHDRAWAL OF APPEAL**

Michael D. Judy, on behalf of himself and the undersigned Appellants (collectively "Appellants"), hereby withdraw, without prejudice to refiling, their appeal of the Presiding Judge's order terminating the above-captioned proceeding. FCC 09M-51 (ALJ rel. Aug. 6, 2009) ("*August 6 Order*"). Appellants appealed the *August 6 Order* because the order terminated the instant hearing proceeding without considering Appellants' pending Motion for Limited Intervention.<sup>1</sup>

By order released August 20, 2009, the Presiding Judge is holding the *August 6 Order* in abeyance pending his consideration of additional filings to be made in this proceeding on August 28, 2009. *See Order*, FCC 09M-53 (ALJ rel. Aug. 20, 2009). In addition, the Presiding Judge

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<sup>1</sup> *Pendleton C. Waugh, et al.*, EB Docket No. 07-147 (filed Aug. 13, 2009).

indicated that he may take this opportunity to address Appellant's Motion for Limited Intervention. *See id.* at 3, note 3. To that end, and concurrently herewith, Appellants are filing to renew their Motion for Limited Intervention with the Presiding Judge.

Appellants therefore withdraw their Appeal of the *August 6 Order* in order to give the Presiding Judge the opportunity to consider their Motion for Limited Intervention. This withdrawal is made without prejudice to Appellants' right to appeal any further action the Presiding Judge may take with regard to their Motion for Limited Intervention.

Respectfully submitted,

By: Michael D. Judy  
Michael D. Judy

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On behalf of himself and:

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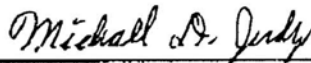
September 8, 2009

**CERTIFICATE OF SERVICE**

I, Michael D. Judy, do hereby certify that on this 8th day of September, 2009, the foregoing Withdrawal of Appeal was served by first class mail, postage prepaid, on the following persons:

The Honorable Richard L. Sippel * Chief Administrative Law Judge Federal Communications Commission 445 12 <sup>th</sup> Street, S.W., Room 1-C768 Washington, DC 20554	Charles M. Austin Preferred Acquisitions, Inc. Preferred Communications Systems, Inc. 400 E. Royal Lane, 9 Suite N-24 Irving, TX 75039
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\* Served by hand delivery.



Michael D. Judy